

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**


<b>WILLIAM OMAR MEDINA</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 23-886</b>
	:	
<b>GEORGE M. LITTLE, MONIQUE</b>	:	
<b>SAVAGE, JAKIE WOOD, SGT D.</b>	:	
<b>HOPSON, C.O. WATSON, LT.</b>	:	
<b>MARTIN, SGT. HOLLAND, and</b>	:	
<b>WELLPATH LLC</b>	:	

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of November 2023, upon reviewing Defendants’ Motions to dismiss (ECF Nos. 53, 54, 56) the amended Complaint (ECF No. 46), with no timely response, mindful of the detailed directions provided in our August 30, 2023 Order (ECF No. 43) addressing the deficiencies requiring we dismiss the Complaint with leave to amend, and for reasons in today’s accompanying Memorandum, it is **ORDERED** we:

1. **GRANT** Jakie Woods’s Motion to dismiss (ECF No. 53) the amended Complaint (ECF No. 46) with prejudice;
2. **GRANT** the Commonwealth Defendants’ Motion to dismiss (ECF No. 54) the amended Complaint (ECF No. 46) **in part** requiring we:
  - a. **Dismiss** the Health Insurance Portability and Accountability Act claims against Officer Watson with prejudice;
  - b. **Dismiss** the Eighth Amendment deliberate indifference claims against Officer Watson with prejudice;
  - c. **Dismiss** the First Amendment retaliation claims against Sergeant Hopson, Sergeant Holland, and Lieutenant Martin with prejudice;

- d. **Dismiss** all claims against Secretary Little with prejudice;
  - e. **Dismiss** the Eighth Amendment conditions of confinement claim with prejudice;
  - f. **Dismiss** the due process claim without prejudice to Plaintiff possibly pleading specific facts by December 21, 2023 allowing us to plausibly infer an identified person deprived him of a protected liberty interest;
  - g. **Allow** the parties to proceed into discovery on the Eighth Amendment deliberate indifference claim against Nurse Savage, the First Amendment retaliation claim against Officer Watson, and the Fourteenth Amendment medical privacy claim against Officer Watson, requiring Nurse Savage and Officer Watson answer these three claims by no later than **December 28, 2023** (absent Plaintiff filing a second amended Complaint under paragraph 4 of this Order before this Answer date);
  - h. **Grant** Plaintiff leave to file a certificate of merit no later than **January 30, 2024** if he wishes to proceed with a medical negligence claim against Nurse Savage; and,
3. **GRANT** Wellpath LLC's Motion to dismiss (ECF No. 56) the amended Complaint (ECF No. 46) without prejudice to Plaintiff pleading specific facts by December 21, 2023 allowing us to plausibly infer Wellpath had a policy or custom of deliberate indifference to incarcerated persons' medical needs; and,
4. **GRANT** the incarcerated Plaintiff leave to file a second amended Complaint to plead due process claims against identified state actors and deliberate indifference claims against Wellpath LLC by no later than **December 21, 2023** or we will dismiss these two presently unplead claims with prejudice.

  
**KEARNEY, J.**